

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APOLINAR ACEVEDO,

Plaintiff,

-against-

URBAN MANAGEMENT LLC, et al.,

Defendants.

USDC SDNY
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19-CV-9449 (VSB) (BCM)

**ORDER REGARDING GENERAL
PRETRIAL MANAGEMENT**

BARBARA MOSES, United States Magistrate Judge.

The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

The Court notes that the deadline for the completion of fact discovery was January 20, 2021 (Dkt. No. 41), but that on February 19, 2021, at the direction of the district judge, the parties submitted a joint letter concerning a number of still-outstanding discovery disputes. (Dkt. No. 44.) The docket does not reflect any resolution of those disputes, nor any other activity since February 19, 2021.

No later than **September 10, 2021**, the parties shall submit a joint letter (limited to four pages, exclusive of attachments, *see ¶ 5 below*) advising the Court as to the status of the disputes outlined in their February 19, 2021 joint letter, as well as any other developments in this action since that date. If the parties seek a discovery conference pursuant to Local Civil Rule 37.2 with the undersigned magistrate judge, they must also submit copies of the specific discovery requests

and responses underlying their unresolved disputes. (Please only submit the disputed requests and responses. If, for example, defendants served a numerous document demands, one of which sought a portion of plaintiff's tax returns, the parties should submit the page(s) reflecting that demand, as well as the cover and signature pages, but should refrain from burdening the record with the entire set of demands.)

It is the Court's practice to decide discovery disputes at the Rule 37.2 conference, based on the parties' letters and such argument as may be presented at the conference, unless the Court determines that more formal briefing is required. If necessary, the Court will issue a revised discovery schedule at the conclusion of the conference.

Going forward, parties and counsel are cautioned:

1. All discovery must be initiated in time to be concluded by the close of discovery set by the Court.

2. Discovery applications, including letter-motions requesting discovery conferences, must be made promptly after the need for such an application arises and must comply with Local Civil Rule 37.2 and § 2(b) of Judge Moses's Individual Practices. Absent extraordinary circumstances, discovery applications made later than 30 days prior to the close of discovery may be denied as untimely.

3. For motions other than discovery motions, pre-motion conferences are not required, but may be requested where counsel believe that an informal conference with the Court may obviate the need for a motion or narrow the issues.

4. Requests to adjourn a court conference or other court proceeding (including a telephonic court conference) or to extend a deadline must be made in writing and in compliance with § 2(a) of Judge Moses's Individual Practices. Telephone requests for adjournments or extensions will not be entertained.

5. In accordance with § 1(d) of Judge Moses's Individual Practices, letters and letter-motions are limited to four pages, exclusive of attachments. Courtesy copies of letters and letter-motions filed via ECF are required only if the filing contains attachments, which must be attached with protruding tabs.

Dated: New York, New York
August 27, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge